Only 3 for Plot Guilty, Berrigan Juror Says

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By Betty Medsger
Washington Post Staff Writer

HARRISBURG, Pa, April 6—At no point in seven days of deliberation did more than three jurors want to convict the Rev. Philip Berrigan and six other antiwar activists of conspiracy, according to one of the nine women on the federal jury that was dismissed Wednesday as deadlocked on the conspiracy.

Home today in Carlisle after having spent nearly two months at a Harrisburg motel, Vera P. Thompson said she was one of the three who originally agreed that there was a conspiracy by the defendants to kidnap presidential adviser Henry A. Kissinger, to bomb tunnels under federal buildings and raid federal offices.

She said she remains convinced there was a conspiracy to raid Selective Service offices, but changed her vote to acquittal because she was not persuaded on the other elements of the conspiracy, particularly the alleged plot to bomb tunnels.

Two jurors, Mrs. Thompson and Lawrence A. Evans, talked freely about what went on inside the jury room. The ten other jurors were either unavailable or refused to comment. Some of them indicated that the emotional strain of the past seven days had been very difficult.

Mrs. Thompson and Evans agreed that the jury was divided 10 to 2 for acquittal on the conspiracy charge.

A stock clerk for a carpet company, Mrs. Thompson said, "Anyone who says 'restaurant' to me again—they'll get one slap across the mouth," a reference to two months of restaurant meals. Still laughing she said the biggest thing she learned from the long experience was "don't vote any more," a sure way to be eliminated from prospective juror lists.

The credibility of Boyd Douglas, the ex-convict who was the government's key witness, was the main stumbling block to a decision by the jury, said Mrs. Thompson, a middle-aged black woman.

But some of them, she said, also were confused by U.S. District Judge R. Dixon Herman's charge to the jury on conspiracy. "It was so involved and so contradictory to me in some places," she said.

There was debate among attorneys throughout the jury's deliberation as to whether the judge had said the jurors could convict defendants on any one element of the conspiracy—for instance, on only draft board raids—or if they had to decide on all elements of the alleged conspiracy.

"I was in for throwing them in jail and throwing away the key," said Evans, a grocery store owner from Dillsburg, who, along with Kathryn Schwartz, a mother of four sons with conscientious objector status, stood for conviction of the defendants through 60 hours of deliberation.

"We had some jurors on that case," said Evans, in a bitter mood after the mistrial, "who would not have voted guilty if the defendants had confessed . . . They were all ignorant of how it operated . . . They had not served before (on juries) and I had served on plently."

He said he might write a book on what happened inside the jury room. "I am very disappointed. It's the biggest mistake ever made in the United States," said Evans of the hung jury.

"Words were flying pretty fast," said Mrs. Thompson, describing some of the debates in which Evans heatedly tried to change other jurors' minds. And on the last day, she said, "he didn't come to say goodbye to anyone."

In addition to its deadlock on the conspiracy count, the jury also reached an impasse on whether letters exchanged by Father Berrigan and Sister Elizabeth McAlister, a New York nun, about the kidnaping of Henry Kissinger were "threatening" letters.

But the nun and priest were convicted of charges that they smuggled contraband letters in and out of Lewisburg, Pa., federal penitentiary, in 1970, when Father Berrigan was beginning a six-year sentence for destroying Selective Service records.

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